

## Bureau of Land Management, Interior

## § 3715.3-2

§ 3715.3. If BLM decides not to concur in the occupancy, the temporary occupancy must stop.

### § 3715.3 Must I consult with BLM before occupancy?

Before beginning occupancy, you must consult with BLM about the requirements of this subpart. See Table 2 in this section.

TABLE 2

| Consultation requirements  |   |
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| If you are proposing a use that would involve occupancy.   | Then.   |
| Under a plan of operations or a modification submitted under 43 CFR part 3800, subpart 3802 or subpart 3809.   | You must include in the proposed plan of operations the materials required by § 3715.3-2 describing any proposed occupancy for BLM review concurrently with review of the plan of operation.<br>BLM will determine whether you have complied with the requirements of this subpart together with its decision approving or modifying the plan.  |
| Under the notice provisions of 43 CFR part 3800, subpart 3809.   | You must submit the materials required by § 3715.3-2 together with the materials submitted under 43 CFR 3809.1-3 for BLM review concurrently with its review of the proposed activity.<br>Any activities in the notice that do not involve occupancy and are reasonably incident may proceed in accordance with 43 CFR part 3800, subpart 3809. |
| And is a "casual use" under 43 CFR 3809.1-2 or does not require a plan of operations under 43 CFR 3802.1-2 and 3809.1-4 or a notice under 43 CFR 3809.1-3. | You are subject to the consultation provisions of this subpart and must submit the materials required by § 3715.3-2 to BLM.<br><br>Any casual use activities that do not involve occupancy and are reasonably incident may proceed in accordance with 43 CFR part 3800, subpart 3809.   |
| Or enclosures, fences, gates, or signs intended to exclude the general public.   | You are subject to the consultation provisions of this subpart and must submit the materials required by § 3715.3-2 to BLM.   |

### § 3715.3-1 At what point may I begin occupancy?

You must not begin occupancy until—

(a) You have complied with either 43 CFR part 3800, subpart 3802 or 3809 and this subpart, and BLM has completed its review and made the required determinations under the applicable subparts, and

(b) You have obtained all federal, state and local mining, reclamation, and waste disposal permits, approvals, or other authorizations for the particular use or occupancy as required under this subpart.

### § 3715.3-2 What information must I provide to BLM about my proposed occupancy?

You must give BLM a detailed map that identifies the site and the placement of the items specified in paragraphs (c), (d), and (e) of this section, and a written description of the pro-

posed occupancy that describes in detail:

(a) How the proposed occupancy is reasonably incident;

(b) How the proposed occupancy meets the conditions specified in § 3715.2 and § 3715.2-1;

(c) Where you will place temporary or permanent structures for occupancy;

(d) The location of and reason you need enclosures, fences, gates, and signs intended to exclude the general public;

(e) The location of reasonable public passage or access routes through or around the area to adjacent public lands; and

(f) The estimated period of use of the structures, enclosures, fences, gates, and signs, as well as the schedule for removal and reclamation when operations end.